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OFFICE OF PETITIONS

In re Application of :
Paunonen :
Application No. 09/874,459 :
Filed: June 5, 2001 :
Attorney Docket No. 989.1032 :

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed April 29, 2005, to withdraw the holding of abandonment.

The petition is **granted**.

Facts:

A final Office action was mailed June 30, 2004.

An amendment and payment for a one month extension of time were filed in response to the final Office action on November 4, 2004.

A RCE and payment for a two month extension of time were filed on November 22, 2004. Unfortunately, the application number was incorrectly listed on both papers as 10/874,459. The papers were both placed in the file wrapper for 10/874,459. The fees paid were also credited to 10/874,459.

The examiner mailed an Advisory Action on January 4, 2005, based on the November 4, 2004 amendment not placing the application in condition for allowance.

A Notice of Abandonment was mailed on April 19, 2005.

Analysis:

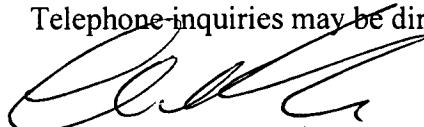
At the discretion of the Commissioner, if a paper having an incorrect serial number contains sufficient information to identify the correct application and the paper was timely received at the PTO, the holding of abandonment may be withdrawn. In reviewing the papers which were submitted, it is concluded that there was sufficient information thereon to associate the papers with the instant file. In view of the above, the RCE and extension of time are considered timely filed.

Additionally, the RCE and extension of time fee are considered to have been timely paid since they were timely received but applied to another application. The fees will be appropriately applied and credited to the instant application.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The examiner will be informed the application has been revived so that the application may be further examined in due course.

Telephone inquiries may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
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Office of Petitions